



0400
07-0201 Docket No.: 218.1001
Date: Jun 21, 2001

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231
Box: Missing Parts

In re application of: **Vincent HUE**
Serial No.: 09/825,815
Filed: April 4, 2001
For: **AUTOMATED TOOL FOR DETECTION OF POTENTIAL RACE CONDITION**

Sir:

Transmitted herewith is an **Response to Notice to File Missing Parts** in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- No fee for additional claims is required.
- A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		LARGE ENTITY	
FOR:	REMAINING	HIGHEST	AFTER	PREVIOUSLY	PRESENT	RATE	FEES
TOTAL CLAIMS	* Minus**	=	0	x \$ 9	\$	x \$ 18	\$
INDEP. CLAIMS	* Minus***	=	0	x \$ 40	\$	x \$ 80	\$
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$135	\$	+ \$270	\$
				TOTAL: \$		OR	TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Also transmitted herewith are:
 - Petition for extension under 37 C.F.R. 1.136 (in duplicate)
 - Other:- Declaration and Power of Attorney
- Check(s) in the amount of **\$130.00** is/are attached to cover:
 - Filing fee for additional claims under 37 C.F.R. 1.16
 - Petition fee for extension under 37 C.F.R. 1.136
 - Other: Surcharge
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
 - Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - Any patent application processing fees under 37 C.F.R. 1.17.
 - Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Cary S. Kappel, Reg. No. 36,561
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on June 21, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: *Jeanne Daly*



218.1001

UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: Vincent HUE
Serial No.: 09/825,815
Filed: April 4, 2001
For: **AUTOMATED TOOL FOR DETECTION OF
POTENTIAL RACE CONDITION**

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX: MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

June 21, 2001

Sir:

In response to the March 16, 2001 Notice To File Missing Parts Of Nonprovisional Application please find an executed Declaration and Power of Attorney form signed by the inventors. The Response supplements applicant's response dated June 13, 2001 which addressed the alleged omission of page 15 from the application papers as filed.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC
By _____
Cary S. Kappel
Reg. No. 36,561

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope with sufficient postage addressed to "Assistant Commissioner for Patents, Washington, DC 20231" on June 21, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: Jennie Bay



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,815	04/04/2001	Vincent Hue	218.1001

RECEIVED

CONFIRMATION NO. 2931

23280

DAVIDSON, DAVIDSON & KAPPEL, L.P.
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

MAY 25 2001

ORMALITIES LETTER

OC0000000006081444*

Excel on 6/4
PCM on 6/4

7/16/01 File Missing

Parts NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

due (Deadline Day)

6/16/01 Reminder

DAVIDSON, DAVIDSON & KAPPEL

Date Mailed: 05/16/2001

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.**

The following item(s) appear to have been omitted from the application:

- Page(s) 15 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers

- ✓ (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

EJ

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART I - ATTORNEY/APPLICANT COPY

OCTOBER EDITION 2004